

# Exhibit M

React Industries  
Review Avenue  
LIC, NY 11101  
**Attn:** James Sarfaty

**Re: HIP – Bayrigde Medical Center**

Dear James:

The following is a summary of the service of the heat exchangers in RTU-2:

February 7, 2005	A React technician and a factory-authorized technician replaced all the parts that were damaged in the flame roll out of RTU-2.
February 16, 2005	A Technical Systems technician and I surveyed the unit and concluded that the burners in RTU-2 were not venting enough combustion gas.
February 17, 2005	A factory-authorized technician changed the vent caps on all the units in an attempt to increase the airflow across the burner. Although this appeared to fix the problem, we had the technician disable the high fire on all six burners until further review.
February 24, 2005	After Technical Systems decided to upgrade the vent pipe on the three largest burners to 6" from 4" and extend all pipe to at least 2' above the unit roof, we had a factory-authorized technician survey the units and make a material list. All changes were according to the recommendations of Reznor, the burner manufacturer.
March 2, 2005 - March 4, 2005	A factory-authorized technician changed the vent pipe from 4" to 6" and extension of all pipe 2' above the roof.
March 9, 2005	I surveyed the unit operation and found that the vent upgrade did not solve the problem in RTU-2. As per the request of React, we had a technician seal the plenum section from the burner section in all units.
March 10, 2005	A Reznor technician and I investigated the operation of all the burners and found the heat exchangers in RTU-2 were failed and allowed air to leak

April 11, 2005 Both duct furnaces (heat exchangers) in RTU-2 were removed and  
April 13, 2005 replaced with new duct furnaces. There still appeared to be a problem after the new units were installed.

April 15, 2005 A factory engineer from Reznor inspected the installation, tested the operation and could not find anything incorrectly applied. After reviewing the problem with his associates, Reznor recommended that we add an adapter to the dilution air intake.

April 23, 2005 The adapter suggested by Reznor had no affect on the operation of the duct furnaces.

April 28, 2005 DNT hired an independent contractor to review the unit operation and offer an outlook. He broke down the sequence of the failure further than any other technician to date. This information has been forwarded to Reznor and Technical Systems for review.

April 29, 2005 DNT hired a second independent contractor to review the unit operation. He made very quick judgments without adequate testing and revised his opinion the following day.

We are currently working with Reznor and Technical Systems reviewing every aspect of the unit design and possible causes of the failure.

Tomorrow, we will rework the sheet metal seems that could not be sealed with duct sealer. This must be done for quality and efficiency purposes. Although we are optimistic, we do not anticipate that this will effect the burner operation.

DNT will not walk away from this project until the units run according to design. We are giving Reznor and Technical Systems time to resolve the duct furnace issue and it will be fixed.

If you have any questions do not hesitate to call me at (212) 682-0797.

Sincerely,

Jim Temple  
Sales Engineer

# Exhibit N

Date: Mon, 2 Jun 2003 10:10:44 -0500

To: "JIM TEMPLE" <JIMTEMP5@aol.com>, "Rob Hansen (E-mail)" <rmh1276@aol.com>  
CC: "LARRY HUDSON" <LARRYH@rae-corp.com>, "LOIS THOMPSON" <LOIST@rae-corp.com>

Jim & Rob,

This note confirms my telecon with Rob this am. Cancel Harbour Mechanical until Alan Swank makes some job site assessments. He is traveling today will be on the job site am of 6-3-03. Need job site address with contact name & phone #. Alan has a new DX9121 W/sub base, some relays & fuses. I will send some more parts to your office o'nite.

Respectfully

Chuck

-----Original Message-----

From: CHUCK RUSSELL

Sent: Thursday, May 29, 2003 11:41 AM

To: 'Harbour Mechanical (E-mail)'; 'Harbour Mechanical (E-mail 2)'

Cc: 'JIM TEMPLE'; LARRY HUDSON

Subject: 65461 BUILTMOORE START-UP

Corrected PR # 65461

-----Original Message-----

From: CHUCK RUSSELL

Sent: Thursday, May 29, 2003 11:37 AM

To: Harbour Mechanical (E-mail); Harbour Mechanical (E-mail 2)

Cc: 'JIM TEMPLE'; LARRY HUDSON

Subject: 65641 BUILTMOORE START-UP

Joe & Glenn,

Our service po #3725 is your firm's authorization to perform st/up on T&M NTE \$1900

Respectfully

Chuck Russell

-----Original Message-----

From: JIM TEMPLE [mailto:JIMJT5@aol.com]

Sent: Thursday, May 29, 2003 10:35 AM

To: CHUCK RUSSELL; LARRY HUDSON

Subject: BUILTMOORE START-UP - PR#65641

CHUCK,

PLEASE ISSUE A PO FOR THE START UP OF THE ABOVE PROJECT. WE ARE SCHEDULED TO BEGIN TOMORROW.

JIM

Plaintiffs,

- against-

REACT INDUSTRIES, INC., and  
DNT ENTERPRISES, INC.,

Defendants.

Third Party  
Index No.:

590882/c

REACT INDUSTRIES, INC.,

Third-Party Plaintiff,

-against-

TECHNICAL SYSTEMS,

Third-Party Defendants.

NEW YORK  
COUNTY CLERK'S OFFICE

OCT 09 2007

NOT COMPARED  
WITH COPY FILE

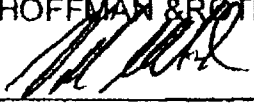
**TO THE ABOVE NAMED THIRD PARTY DEFENDANT  
TECHNICAL SYSTEMS**

You are hereby summoned to answer the annexed Complaint of the Third Party Plaintiff, and the Complaint of Plaintiff, copies of which are herewith served upon you, and to serve your Answer on the undersigned attorneys whose address is 325 Broadway, Suite 502, New York, New York 10007, within twenty (20) days after service of this summons, exclusive of the date of service or within thirty (30) days after service is complete if service is made by any method other than personal delivery to you within the State of New York.

Dated: New York, New York  
October 5, 2007

HOFFMAN & ROTH, LLP

BY:

  
WILLIAM S. MATLIN  
Attorneys for Defendant  
Third-Party Plaintiff  
REACT INDUSTRIES, INC  
325 Broadway, Suite 502  
New York, New York 10007  
(212) 964-1890  
Our File No.: 7329

TO:

**VIA SECRETARY OF STATE  
TECHNICAL SYSTEMS**

PAUL A. TUMBLESON, ESQ.  
**HOEY, KING, TOKER & EPSTEIN**  
Attorneys for Plaintiff  
55 Water Street, 28<sup>th</sup> Floor  
New York, New York 10041-2899  
(212) 612-4200  
File No.: 79512105

DRUCKMAN & SINEL, LLP  
Attorneys for Defendant  
DNT ENTERPRISES  
242 Drexel Avenue, Suite 2  
Westbury, NY 11590  
(516) 876-0800  
Fax (516) 876-0888

# Exhibit O



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- + RAE Corporation
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- + Technical Systems
- + RAE Coils
- AirCube
- King Coils

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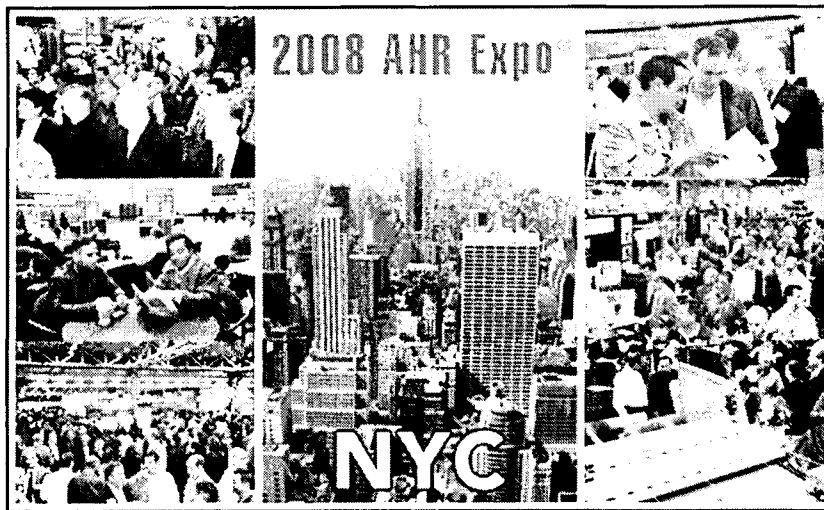
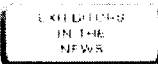
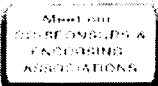
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**Thursday,**  
**January 24th**  
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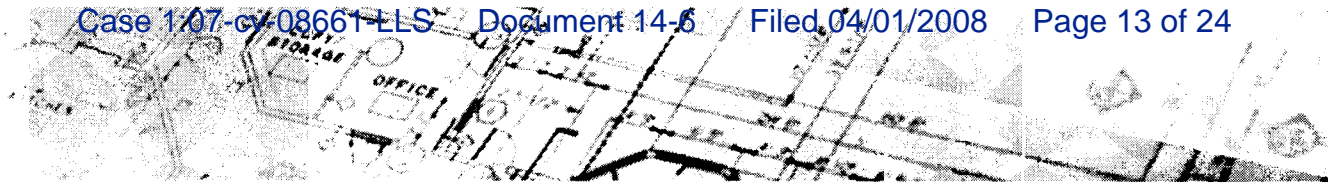
tel: (203) 221-9232 fax: (203) 221-9260

Contact Us

EXHIBIT 1000 2006

EXHIBIT

# Exhibit P



SEARCH BUILDINGS DEPT ▶

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ABOUT THE BUILDINGS DEPT

BUILDINGS INFORMATION  
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**CAREER OPPORTUNITIES**

NYC CONSTRUCTION CODES  
(FORMERLY MODEL CODE PROGRAM)

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- Applications
- Cranes and Derricks
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- Home Improvement Contractors (HIC)
- PC Filing
- Plumbing
- Post Approval Amendments (PAAs)
- Professional Certification Program
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CONSTRUCTION SAFETY

VIOLATIONS

FORMS

REFERENCE MATERIALS

GUIDES & PUBLICATIONS

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In accordance with [Section 27-131](#) of the New York City Building Code, certain materials and equipment require Department of Buildings acceptance. These manufactured items affect public safety, health and welfare (including structural stability and fire safety) and are usually a permanent part of a building. They include such items as boilers, air-conditioning equipment, commercial cooking equipment, fire-rated assemblies, fire alarm and suppression equipment, wheelchair lifts, etc. The actual list of accepted products to date is known as the [MEA Index](#) (see below for further information).

Established in 1969, the Materials and Equipment Acceptance (MEA) Division was created under [Department Rule 1-01](#) to implement the Code requirement and ensure that certain permanent building materials and equipment meet the minimum national standards required by the Building Code. The unit also reviews the qualifications of testing laboratories and testing services for acceptance by the Department.

It is the responsibility of the manufacturer to obtain MEA acceptance for his or her product. The manufacturer can download the [MEA Application Package](#) for detailed information regarding the process. The applicant is required to provide a typewritten description of the product, include photographs, drawings, schematics, and marketing materials, fill out the acceptance application form [MEA-1](#), and provide a compact disk with draft language for the final acceptance document (form [MEA-3](#)) as he or she would like to see it.

In addition, the product must be tested by a Department-accepted testing laboratory or testing service to ensure that the product conforms to the Code-required standard. The manufacturer must provide a sample of his or her product to the testing laboratory or testing service for the test, pay the required fee, and at the completion of the test have the laboratory fill out the testing form [MEA-2](#). All three completed forms, the product data, the test reports and the application fee comprise the application. (For photoluminescents, click [here](#) for additional application information.)

Materials and equipment affecting fire safety are also subject to review by the Fire Department of New York. For these applications, an exact copy of the entire application except the fee must be submitted simultaneously to the Fire Department.

All manufacturers that receive product acceptance from MEA are given an MEA number for the product and provided a copy of the report (also called resolution), which lists the model number(s) and describes the material, assembly or equipment and any conditions of the acceptance. Recent MEA numbers may be found at [MEA Index](#) or [MEA Report](#) online, and the entire listing through March 31, 2004, is available at the New York City [CityStore](#).

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**[New York State Energy Code](#)**

Learn more from  
NY State Department

**[Local Law 86/2005 is the City's green buildings law](#)**

9 of 9

- ▶ [Conserve Energy!](#)
- ▶ [Conserve Water!](#)
- ▶ [Energy Code](#)
- ▶ [Green Building](#)
- ▶ [PlaNYC 2030](#)

Following is a list of the basic regulations under which MEA

operates:

**The New York City Building Code**

Section 26-214: Special Fees

Section 27-130: General Requirements

Section 27-131: Acceptance Requirements

**Reference Standards & Rules**

RS 6-1 &  
RS 6-1A: Photoluminescent Signs and Markings

Rule 1-01: Material and Equipment Application  
Procedures


Rule 17-01: Acceptance of Testing Laboratories and  
Testing Services

**Technical Policy and Procedure Notice (TPPN)**

TPPN #7/87: Restaurant Equipment

TPPN #12/94: Self-Certification of Limited Category of  
Materials and Equipment

**► Other MEA Resources**

 [VIEW SITE MAP](#)

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# Exhibit Q

**NEW YORK SPECIFIC JOBS****TS**

#	JOB NAME	MODEL #	YEAR	FAN	ECONO	PUMPS
6	TEACHER FOR AMERICA	(1) PPD-66	2008	-	-	YES
	THE EDGE BLDG. # 2	(2) FC96-1957-SCP	2008	C	-	YES
	THE EDGE BLDG. # 3	(2) FC96-1145-SCP	2008	C	-	YES
7	TACONIC MANAGEMENT	(1) FC12-133-SP	2008	P	-	YES
<hr/>						
6	NFB - 991 3 <sup>RD</sup> AVENUE	(1) FC96-697-SCF, (1) PPD-152	2007	C		PPD-152
3	PRONOVAS	(1) 30AOLM120-SPFC	2007		Y	YES
1	HIGHBRIDGE CAPITAL	(3) FC12-143, (1) PPD-95	2007	P		B&G
5	NFB - 57W 57 <sup>TH</sup> STREET	(2) FC100-218-SCF, (1) PPD-90	2007	DELHI		PPD-90
7	NAT SHERMAN	(1) FC100-555-SPCFQ	2007	DELHI		YES
6	BLOOMBERG WAREHOUSE	(4) FC100-310SCF, (1) PPD-202	2007	C	-	YES
6	AMERADA HESS	(5) 34WOLM60-S, (1) MASTER PANEL	2007	-	-	-
0	H&M	(2) FC100-424-CF, (1) MASTER PANEL	2007	C	-	-
8	CITI BANK - GARDEN CITY	(1) FC4-66-SP	2007	P	-	YES
6	OPAL BUILDING	(1) FC36-390-SC, (1) PPD-85	2007	C	-	YES
6	DEPT. OF HEALTH	(1) FC12-143M10-SP	2007	P	-	YES
4	VALLEY NATIONAL BANK	(2) FC100-173-CF	2007	C	-	-
3	50E. 91 <sup>ST</sup> STREET	(1) EWC-AC4-FD16-H2	2007	P	-	YES
0	CITIBANK	(1) 30AOLD30-SCF	2007	C	-	-
4	GUCCI	(1) FC100-185-CF, (1) PPD-40	2007	C	-	YES
9	CARTIER	(1) 37AOLM60-SPFCT	2007	P	Y	YES
4	515 E. 72ND STREET	(1) 24WOLM36-S	2007	-	-	-
1	NYU - 838 BROADWAY	(1) TRAH-12, (1) TRAH-18	2007	ROOFTOP	-	-
6	JP MORGAN CHASE	(1) 34WOLM30-S, (1) PPD-72	2007	-	-	YES
8	GOOGLE - 111 8 <sup>TH</sup> AVENUE	(1) FC100-991-SCF, (1) PPD-190	2007	C	-	YES
7	HP BRANCHBURHG	(2) FC96-1195-SP	2007	P	-	YES
7	2030 BROADWAY	(1) FC96-1016	2007	P	-	-



P.O. #	PR #	JOB NAME	MODEL #	YEAR	FAN	ECONO	PUR
T-6095	83160	ETHICAL FIELDSTON II	ROOFTOPS	2006	P	AIR	
T-6188	83755	230 RIVERSIDE DRIVE	(1) 30AOLD30-SQPEC	2006	C	Y	Y
T-6262	83843	GRACE CHURCH SCHOOL	(1) TRAH-07, (1) 20AOLD08-SCF	2006	ROOFTOP		
T-6298	85193	HAMLET APT	(1) 30AOLM52-SPC	2006	DELHI		Y
T-6324	84954	PARK SLOPE ARMORY	(2) 30AOLM135-SFC	2006	C	Y	
J-6520	86209	FED CAP	(1) 30AOLM60-SP	2006	P	-	Y
<hr/>							
T-5085	78118	NYU-STEINHARDT	FC96-1144-SQ	2005	DELHI	-	
T-5177	78920	2030 BROADWAY	(5) FC96-992, (1) PPM-1050	2005	P	-	Y
T-5203	79565	BMW	(1) TPAH-18-37-520 W/ LD30 & (2) 20AOC515'S	2005		AIR-COOLED	
T-5258	79785	ETHICAL CULTURAL	(9) ROOFTOPS	2005		AIR-COOLED	
T-5355	80264	NYU-PUCK BLDG.	(5) 30AOLS15-SCF	2005	DELHI	YES	
C-5457	81146	YONKER'S RACEWAY	(2) FC96-1522-SP	2005	P	-	Y
T-5533	78021	MARY MOUNT COLLEGE	(1) FC96-1155-SCQP	2005	DELHI	-	Y
<hr/>							
T-3520	72825	CARVER BANK	35EOLM105S	2004	EVAP	-	
T-3648	74021	BANK OF AMERICA	FC100-504-SCF	2004	DELHI	-	PPD-2
T-3685	74114	IDEAL	(3) 30AOLM52-SFC	2004	C	YES	(1) PP
C-3706	74113	BOYS & GIRLS	30AOLM60-SP	2004	P	-	Y
T-3820	74783	G.I.A.	(4) 30AOLM45-SFC, (1) PPD-420	2004	DELHI	YES	(1) PP
T-3835	75589	HELMSLEY SPEAR	34WOLM39, PPD-83	2004			(1) P
J-3841	75469	MEETH	(2) 30AOLM75-S, (1) PPD-326	2004			Y
T-3846	75550	HIP - BAYRIDGE	TRAH-18 & 20AOLD26, TRAH-24 & 20AOLD30	2004			
<hr/>							
C-3082	68255	PIERPONT MORGAN LIBRARY	30AOLD30-SPCF	2003	DELHI	YES	Y
T-3173	69657	AMERICAN GIRL	(2) 30AOLM165-SPFC	2003	DELHI	YES	PPD
C-3248	70123	ENDO PHARMACEUTICAL	30AOLSD260-SFC	2003	DELHI	YES	
C-3418	72510	CHURCH OF SCIENTOLOGY	(2) 30AOLM104-SFC	2003	DELHI	YES	
<hr/>							
C-2725	65140	FIDELITY INVESTMENTS	(2) FC36-303-CFL, (2) FC36-303-CFR	2002	DELHI		
C-2728	65296	CHASE # 492	FC100-488-SPFC	2002	DELHI		Y
C-2744	65461	BILTMORE THEATRE	(2) 30AOLM105-SPFC	2002	DELHI	YES	
T-2753	65460	LINK'S CLUB	30AOLM78-SCF	2002	DELHI		

#	JOB NAME	MODEL #	YEAR	FAN	ECONO	PUMPS
01	SAINT ANN'S SCHOOL	30AOLM120-S	2002	P		
05	PACKER COLLEGIATE	30AOLM135-SP	2002	P		YES
00	BLOOMBERG	(5) 30AOLM210-SFC	2002	DELHI	YES	
09	POLYPREP COUNTRY DAY SCHOOL	30AOLD26-SPFC	2002	P	YES	YES
02	311 CALL CENTER	(2) FC100-331-SCF	2002	DELHI		(2) PPD-70
03	OFFICE OF GENERAL SERVICES	20AOLS13, (3) 20AOLS8, (4) 20AOLS10, 20AOLS15	2002	P		
03	AMALGAMATED BANK	20AOLM45-SCF	2002	DELHI		
01	VISITING NURSE SERVICES	FC100-344-SCF	2002	C		PPD-75
00	ABC IMAGING	30AOLD30-SPFC	2002	DELHI	YES	YES
09	TACONIC PROPERTIES	FC12-143-SP	2002	P		YES
09	KATE'S PAPER	(4) 30AOLS9-S, (2) FC12-138-S	2002	P		(1) PPD-80
02	PATEC	FC24-348-SCF	2002	DELHI		PPD-76
<hr/>						
08	BANK OF MONTREAL	(6) 30AOLD30 - SFC	2001		YES	YES
04	SOUTH BEACH HOUSE	30AOLM45-SPFC	2001	P	YES	YES
06	SALOMAN SMITH BARNEY	(2) FC96-1355-S	2001	P		
09	MERILL LYNCH -- CHILLERS	(7) 30AOLS15-SFC	2001	P	YES	PPD-242
00	TOY 'R' US	30AOLM48-SPFC	2001	DELHI	YES	YES
02	SPEAR LEEDS KELLOG	FC100-665-SPCF	2001	DELHI		
05	IBASIS	FC96-1560-SCF	2001	DELHI		PPD-340
02	KENNETH COLE	FC96-722-SP	2001	DELHI		
00	NEW YORK UNIVERSITY	FC96-1144SQ	2001	DELHI		PPD-750
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00	TELERGY	(6) FC48-175-SP	2000	DELHI		(1) PP-228
03	MESEUM OF FOLK ART	30AOLM180-SPFC	2000	DELHI	YES	CENTRI
01	WASSERSTEIN PARELLA	(2) 30AOLM130-SPFC	2000	DELHI	YES	YES
02	ATLANTIC BANK	(2) 30AOLM150-SPFC	2000	P	YES	YES
03	PRADA PIANO FACTORY	(2) 30AOLM117-SPFC	2000	DELHI	YES	
02	KETCHUM	30AOLD30-SPFC	2000	P	YES	YES
06	ARBINET	(3) FC96-701-SP	2000	DELHI	YES	YES
07	BEAR HUNTER	30AOLM39-S, 10AO406-SCF	2000	DELHI		YES
02	CON-EDISON	(3) FC96-2334-S	2000	P		
07	SCHOOL OF MUSIC	FC48-300-SPCF	2000	DELHI		YES

#	JOB NAME	MODEL #	YEAR	FAN	ECONO	PUMPS
5	KPMG	30AOLM60-SPFC	2000	DELHI	YES	YES
3	RCN	FC96-1850-SPFC	2000	DELHI		CENTRI
0	TELIA NORTH AMERICA	(2) FC72-670-SCF, (2) FC96-1195-SCF, (4) FC96-989-SCF	2000	DELHI	(2)PPD-104, (2)PPD-171, (2)PPD-234	
3	IXNET	FC96-1526-SCFQ	2000	DELHI		
2	ATLANTIC TECHN. CENTER	FC96-1526-SCFQ	2000	DELHI		
<hr/>						
6	DOUBLE CLICK	(4) FCC-1414-PCF	1999	DELHI		YES
0	1199 -- HOSPITAL LEAGUE	(4) FCC300-SCF	1999	DELHI		(1) PP-272
4	SKADDEN ARPS	(4) 34WOLM60-SC	1999			
4	OMNICOM - 437 MADISON AVE	FC42-261-SPCF	1999	C		YES
6	LOCAL 1199	(4) FCC-300-SCF	1999	DELHI		(1) PP-272
6	H & M	(2) 30AOLM104-SPFC	1999	P		YES
9	TSE SHOWROOM	30AOLM78-SPFC	1999	P	YES	YES
<hr/>						
	PRADA	30AOLM84-SP	1998	P		
	CORNELL UNIVERSITY	30AOLM60-S	1998	P		
	FMCG	30AOLM48-SPFC	1998	DELHI		YES
	KPMG	30AOLD26-SPFC	1998	P	YES	YES
	EASTMAN SOFTWARE	30AOLM90-SPFC	1998	DELHI	YES	YES
	CD RADIO	(1) 30AOLS15-SC, (8) 30AOLS15-S	1998	P		
	CADWALDER - 125 MADIEN LANE	(6) FC-330-SCF	1998	DELHI	(1) PP-288, (1) PP-144	
	M.B.I.A.	30AOLM75-SPFC	1998	P	YES	
	FURMAN SELZ	(1) 30AOLM120-SPFC, (1) 30AOLM120-SFC	1998	DELHI		
<hr/>						
	NAUTICA	(1) FC-506-CF, (1) 34WOLM18-SXC, (1) 34WOLM18-SX	1997	DELHI		
	DELOITTE & TOUCHE	(1) 34WOLM60-C, (3) 34WOLM60	1997			YES

## No. 32

Introduced by Council Members Clarke, Koppell, Seabrook, Stewart, Comrie Jr., Boyland and Gonzalez (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to mechanical refrigeration and to repeal subchapter 18 of chapter 4 of title 27 relating to mechanical refrigeration.**

*Be it enacted by the Council as follows:*

Section 1. Section 27-106 of the administrative code of the city of New York is amended to read as follows:

§ 27-106 Enforcement. This code shall be enforced by the commissioner of buildings, pursuant to the provisions of section six hundred forty three of the New York city charter, as amended, except that the fire commissioner shall also enforce the provisions of this code relating to the approved number of persons in places of assembly (overcrowding), obstruction of aisles, corridors, and exits, *the posting and availability for inspection of equipment use permits, and the availability for inspection of certificates of occupancy or other authorization of lawful occupancy*, and to the maintenance of *installations involving* fire alarm equipment and devices, exit and directional signs, emergency lighting, [and] fire-preventative and fire extinguishing equipment and devices, [and] *refrigerating systems, and storage tanks and auxiliary storage tanks for oil burning equipment*, except that the commissioner of [ports and terminals] *small business services*, shall enforce all the provisions of this code with respect to buildings under the jurisdiction of the department of [ports and terminals] *small business services*. Where the installation of exit and directional signs, emergency lighting and sprinkler and fire alarm protection is required by the fire prevention code, the fire commissioner shall require such installations to be in accordance with the provisions of this code.

§ 2. Section 27-114 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) *The installation, alteration or replacement of refrigerating systems as provided in reference standard RS 13-6.*

§ 3. Paragraph 1 of subdivision (d) of section 27-184 of the administrative code of the city of New York is amended to read as follows:

1. Has a capacity of twenty-five tons or less and uses a Group [I] *A1 refrigerant*.

§ 4. Subdivision (c) of section 27-781 of the administrative code of the city of New York is amended to read as follows:

(c) Exception. No equipment use permit or temporary equipment use permit shall be required for any [refrigeration] *refrigerating* system exempted under the provisions of section 27-189 of article eighteen of subchapter one of this chapter; for any system using a group [two] *A2, B1 or B2* refrigerant and having a prime mover of one [h. p.] *horsepower* or less; or for any system using water or air as a refrigerant.

§ 5. Paragraph (3) of subdivision (b) of section 27-946 of the administrative code of the city of New York is amended to read as follows:

(3) No person shall place or install any equipment containing a refrigerant classified in groups [I, II, and III] *A1, A2, A3, B1, B2 or B3* in subchapter thirteen of this chapter, or place or install gas piping or gas consuming devices or any other equipment within any space housing a fire pump that would create a hazardous condition.

§ 6. Section 27-4002 of the administrative code of the city of New York is amended adding a new subdivision 10c to read as follows:

*10c. Department, the fire department of the city of New York.*

Refrigerating system. ... combination of mechanical refrigeration and heat pumps forming a closed circuit in which refrigerant is circulated for the purpose of extracting, then discharging heat.

§ 8. Paragraph 2 of subdivision (a) of section 27-4026 of the administrative code of the city of New York, as amended by local law 32 for the year 1987, is amended to read as follows:

2. Certificate of qualification [to operate] for refrigerating [systems;] system operating engineer:

Original [for a term of three years] .....\$25.00

Renewals [for terms of three years].....\$5.00

§ 9. Paragraph 1 of subdivision p of § 27-4027 of the administrative code of the city of New York, as amended by local law 43 for the year 1988, is amended to read as follows:

1. to maintain [and/] or operate [refrigeration units] a refrigerating system

[equal to or above 5 H.P., and/or roof mounted/suspended, and/or ceiling mounted/suspended, or units

using group II or group III refrigerants] (per [unit] compressor)..... 105.00

§ 10. Subchapter 18 of chapter 4 of title 27 of the administrative code of the city of New York is REPEALED and a new subchapter 18 is reenacted to read as follows:

## **SUBCHAPTER 18 MECHANICAL REFRIGERATION**

### **ARTICLE 1**

#### **PERMITS AND OPERATING REQUIREMENTS**

§27-4190 Permits. a. For purposes of this subchapter, refrigerants shall be classified by safety groups in accordance with reference standard RS 13-6 of the building code. Except as otherwise provided in this subchapter, it shall be unlawful to maintain or operate without a permit any refrigerating system that uses a group A1, A2, A3, B1, B2 or B3 refrigerant or that is mounted on or suspended from a roof or ceiling, except a refrigerating system of less than five horsepower that uses a group A1 refrigerant and that is not mounted on or suspended from a roof or ceiling. Such permit shall be posted adjacent to the system or kept on the premises in a location where it can be produced upon request of any representative of the department.

b. Permits shall not be required for refrigerating systems installed in the residence portion of any building; installed in vehicles, vessels or railroad cars; or employing water or air as a refrigerant.

c. The system capacity of a refrigerating system with multiple compressors shall be the aggregate of all the individual compressors.

d. If the department finds that the system creates a hazard to life or property or for other good cause, it may order the system to be shut down until the corrections required by the department are made.

§ 27-4191 Refrigerating system operating engineer. a. It shall be unlawful to operate any refrigerating system for which a permit is required under this subchapter and which is a system described in Table 1 of this subchapter, unless such operation is under either the personal supervision or general supervision, as specified in Table 1, of a person who has obtained a certificate of qualification for refrigerating system operating engineer. For purposes of this subchapter, personal supervision shall mean that such person is present on the premises or other proximate location acceptable to the commissioner at all times while the system is in operation and that the operation of such system is under his or her personal direction and control, and general supervision shall mean that such person is responsible at all times for the safe operation of such system when such system is in operation but need not be personally present on the premises at all times while the system is in operation.

b. A certificate of qualification for refrigerating system operating engineer shall be issued by the commissioner to an applicant who has been certified as qualified to operate a refrigerating system and otherwise meets the requirements established for such certificate of qualification, including appropriate experience and/or training in refrigerating systems or related technology. For purposes of issuing such certificate of qualification, the commissioner may approve training courses in refrigeration and related technology.

**TABLE 1  
REFRIGERATING SYSTEM OPERATING ENGINEER**

INSTALLATION DATE	REFRIGERANT GROUP OR	OCCUPANCY TYPE	APPLICATION	POUNDS OF REFRIGERANT IN	SYSTEM HORSE POWER	SYSTEM DESIGN	SUPERVISION REQUIREMENT
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GROUP OR NAME (see note 2)	TYPE (see note 2)	REFRIGERANT IN SYSTEM	HORSE-POWER	DESIGN	REQUIREMENT
A1	Industrial	Human comfort	More than 200	NA	Fully automatic
A1	Industrial	Human comfort	More than 50 up to 100	NA	Fully automatic
A1	All except industrial	All	More than 20	NA	Not fully automatic
A1	All except industrial	All	More than 200	NA	Fully automatic
A1	All except industrial	All	More than 50 up to 200	NA	Fully automatic
On or after June 1, 1957	A1	Industrial	Human comfort	NA	More than 20 (or kilowatt equivalence) (see note 3)
	A1	All except industrial	All	NA	More than 50 (or kilowatt equivalence) (see note 3)
Regardless of when installed	A2, A3, B1, B2, B3 and carbon dioxide	All	All	More than 50	NA
	A2, A3, B1, B2, B3 and carbon dioxide	All	All	More than 200	NA
	A1	Industrial	All except human comfort	More than 50	NA
	A1	Industrial	All except human comfort	More than 200	NA
	A1 and carbon dioxide	Industrial	All except human comfort	More than 50 up to 200	NA
	A1	Human comfort	NA	Aggregate capacity not less than 15 horsepower (see note 4)	NA

## Notes:

1. For purposes of refrigerating system operating engineer requirements, Refrigerant R-123 shall be treated as a group A1 refrigerant, and carbon dioxide shall not be treated as a group A1 refrigerant.

2. For installations after December 6, 1968, industrial occupancy refers to occupancy groups A, B-1, B-2, D-1 and D-2 as defined in chapter 1 of this title. For installations prior to such date, industrial occupancy refers to that portion of a building used for manufacturing, processing, or storage of materials or products, including, among others, chemical, food, candy, and ice cream factories, ice making plants, meat packing plants, refineries, perishable food warehouses, and similar occupancies.

3. This provision shall not apply to installations approved prior to the effective date of the local law that added §27-4191 of this subchapter. However, ~~an operator shall be required for all systems which contain any single prime mover or compressor in excess of 50 horsepower.~~

~~This aggregate provision applies only to systems within a single building which are under the sole direct control of a single occupant, lessee or owner. Systems with a rating of 15 horsepower or less or the kilowatt equivalence thereof are excluded from the aggregate.~~

## ARTICLE 2

## INSTALLATION, CLASSIFICATION, TESTING AND REFRIGERANT REQUIREMENTS

§ 27-4192 Applicable Requirements. a. All refrigerating systems installed on or after the sixth day of December, nineteen hundred sixty-eight shall be subject to the requirements of the building code and reference standards and rules promulgated thereunder.

b. All refrigerating systems installed prior to the sixth day of December, nineteen hundred and sixty-eight shall be subject to the requirements of this subchapter in effect prior to the effective date of the local law that added this section, except where such installations are altered or replaced, in which event such refrigerating systems shall be subject to the requirements of the building code and reference standards and rules promulgated thereunder.

§ 18. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on June 28, 2004 and approved by the Mayor on July 12, 2004.

VICTOR L. ROBLES, City Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27  
Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law  
(Local Law 52 of 2004, Council Int. No. 247) contains the correct text and:  
Received the following vote at the meeting of the New York City Council on June 28, 2004: 48 for, 0 against,  
(0) not voting.  
Was signed by the Mayor on July 12, 2004.  
Was returned to the City Clerk on July 14, 2004.  
JEFFREY D. FRIEDLANDER, Acting Corporation Counsel



sound attenuating devices shall be installed in accordance with the requirements of article 12-3. Exhaust fan intake, other than those installed in duct lining.

**MAXIMUM SOUND POWER LEVELS PERMITTED IN SPACES OR SHAFTS ADJOINING DWELLING SPACES<sup>a</sup>**

Frequency Bands, c.p.s.	Max. Sound Power Level db <sup>a</sup>	
	db re 10 <sup>-12</sup> Watts	db re 10 <sup>-12</sup> Watts
63	101	
125	101	91
250	103	91
500	105	93
1000	105	95
2000	102	92
4000	101	91
8000	98	88
	96	86

sound power levels shall be reduced 5 db in any octave band where the indicate pure tone generation. The presence of pure tones may be determined by a one-third octave band analysis. The criterion for a significant pure-tone component is an audible pure-tone sound together with an increase of the sound pressure corresponding one-third octave band above the mean of the two adjacent one-third octave bands.

and pressure level (db) 40/125 160/250 215/500 630/1,000 1,000/10,000  
 issued after January First, Nineteen Seventy-Two, the Maximum Sound Power shall be changed as follows:

Band c.p.s. Frequency	db re 10 <sup>-12</sup> Watt	db re 10 <sup>-12</sup> Watt
63		
125	98	88
250	97	87
500	100	90
1000	97	87
2000	96	86
4000	93	83
8000	91	81

**EXTERIOR MECHANICAL EQUIPMENT.**—Mechanical equipment in any occupancy group, when located outside of the building in a room or on a roof, or where the equipment opens to the exterior of the building, shall be subject to the noise output limitations given in table 12-4 where the windows of a dwelling unit in any building in occupancy groups J-1, K-1, L-1, M-1, N-1, O-1, P-1, Q-1, R-1, S-1, T-1, U-1, V-1, W-1, X-1, Y-1, Z-1, located within a sphere of 100 ft. radius whose center is any part of the building, or its housing, unless it can be shown that the sound pressure levels, in any octave band, of the exterior mechanical equipment as measured within the dwelling unit, do not exceed the levels given in table 12-5.

**Minimum structure-borne noise and vibration isolation requirements.**—Mechanical equipment shall be installed in accordance with the following requirements shall be approved.

**BOILER ROOMS.**—All boilers supported on floors above a story having dwelling

Minimum distance from equipment to exterior window (ft.) <sup>a</sup>	Maximum Sound Power Levels in Octave Bands — db re 10 <sup>-12</sup> Watts <sup>a</sup>							
	Octave Bands c.p.s. Mid Frequency							
	63	125	250	500	1000	2000	4000	8000
12	99	92	88	84	82	82	82	82
25	103	96	92	88	86	86	86	86
50	107	100	96	92	90	90	90	90
100	110	103	99	95	93	93	93	93
in Octave Bands — db re 10 <sup>-12</sup> Watts								
12	89	82	78	74	72	72	72	72
25	93	86	82	78	76	76	76	76
50	97	90	86	82	80	80	80	80
100	100	93	89	85	83	83	83	83

**Notes:**

- The minimum distance shall be measured in a straight line regardless of obstructions. Interpolated levels may be used for distances between those given in this table. See note a. at end of table 12-3.
- In the event sound power level data for the exterior mechanical equipment is not available, the sound pressure levels in octave bands, of the exterior mechanical equipment shall be measured.
- The measurements shall be obtained with the microphone of the measuring equipment located at the interior of the dwelling unit affected in a line with the window nearest the exterior mechanical equipment. The window shall be fully open and the microphone shall be located 3 feet away from the open portion of the window.
- Measurements shall be obtained during times when the ambient sound pressure levels, in octave bands, are at least 6 db lower at all octave bands than the sound pressure levels measured with the exterior equipment operating. By ambient sound pressure levels is meant the measured sound pressure levels, at the above described measuring location, with the exterior equipment not in operation.

<sup>b</sup> For permits issued after January First, Nineteen Seventy-Two, the permitted Maximum Sound Power Levels for Exterior Mechanical Equipment Adjoining Buildings shall be changed as follows:

Feet	Maximum Sound Power Levels in Octave Bands — db re 10 <sup>-12</sup> Watt							
	Octave Bands — db re 10 <sup>-12</sup> Watt							
	63	125	250	500	1000	2000	4000	8000
12	97	90	83	78	75	73	72	71
25	104	96	89	84	81	79	78	77
50	110	102	95	90	87	85	84	83
100	116	108	101	96	93	91	90	89
in Octave Bands — db re 10 <sup>-12</sup> Watt								
12	87	80	73	68	65	63	62	61
25	94	86	79	74	71	69	68	67
50	100	92	85	80	77	75	74	73
100	106	98	91	86	83	81	80	79

units shall be supported on resilient isolators having a minimum static deflection of 1 in. The isolators shall be installed directly under the structural frame of the boiler.

b. Boiler breeching and piping. — When boilers are equipped with mechanical draft fans, the boiler breeching and piping that is supported from or on slabs, floors